

SUMMARY OF FINAL DECISIONS ISSUED BY THE TRADEMARK TRIAL AND APPEAL BOARD

February 16-20, 2004

Date Issued	Type of Case(1)	Proceeding or Appn. No.	Party or Parties	TTAB Panel(2)	Issue	TTAB Decision	Opposer's or Petitioner's Mark and Goods or Services	Applicant's or Respondent's Mark and Goods or Services	Mark and Goods Cited by Examining Attorney	Examining Attorney	Citable as Precedent of TTAB
2-18	EX EX	76223479 76223480	Atmel Corp.	Seeherman Bottorff Drost*	2(d)	Refusal Affirmed in both cases		"IPITEC" and "IPITEC" (in design format) [<i>both marks for</i> integrated circuit chips, namely, digital signal processors, and computer software, namely, compilers, debuggers, simulators, and assembler optimizers to support digital signal processor operations]	"IPITEK" [fiber-optic data links, sensors, and transmission apparatus]	Sheffield	No
2-18	EX	75461632	Maria Fatima Rizzo	Cissel* Walters Chapman	whether applicant's mark is capable of registration on the Supplemental Register	Refusal Affirmed		"SEPIA" (in stylized lettering) [cosmetics, namely, foundation, powder, blush, eye shadow, eyeliner, mascara, lipstick, lip liner, and lip gloss]		Nelson	No
2-18	OPP	91116333	EuRex Inter- national, Inc. v. Pepin Mfg., Inc.	Hairston Bucher* Drost	2(d)	Opposition Dismissed	"HAIRBUSTER" [pet shedding comb and grooming device]	"HAIR BUSTER" [adhesive rollers for removing lint, hair, and other foreign particles from clothing, furniture and upholstery]			No
2-18	EX	76208433	Precision Consumer Products, Inc.	Hanak* Hairston Bucher	2(d)	Refusal Affirmed		"EZ CLEAN" [all-purpose household cleaners and dish detergents]	"EZZY CLEAN" (in stylized form) [all purpose cleaner and degreaser preparation for household and industrial use, for cleaning rubber, vinyl, motors, marine vessels, patios, grills, office machinery and bathroom fixtures]	Molinoff	No

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(2) *=Opinion Writer; (D)=Dissenting Panel Member

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2-18	EX	76214161	Hammerton, Inc.	Cissel* Bottorff Drost	2(e)(4)	Refusal Affirmed		"HAMMERTON" [retail and wholesale services by direct solicitation by agents, mail-order/catalog services, and computerized on-line services, all featuring lighting, furnishings and accessories; manufacture of lighting, furnishings and accessories therefor to order and/or specifications of others]		Gardner	No
2-18	EX	76352749	Stair Systems, Inc.	Seeherman Hanak* Hohein	2(e)(1)	Refusal Affirmed		"VIRTUAL REAL TIME" [computer software and computer workstations for display and review of medical diagnostic images]		Tingley	No
2-18	OPP	91111244	Pacific Sunwear of California, Inc. v. AIT, Inc.	Hohein Rogers Drost*	2(d)	Opposition Dismissed	"PAC SUN" [retail clothing store services]	"PAC AIT" [shirts, sweatshirts, t-shirts, jackets, coats, robes, sweaters, hats, caps, skirts, dresses, sweatpants, trousers, slacks, shorts, sleepwear, and neckwear]			No
2-19	EX	76225929	Signs Plus, New Ideas-New Technology, Inc.	Simms Quinn Bucher*	whether the matter applicant seeks to register functions as a trademark for applicant's goods	Refusal Affirmed		"A+" (and apple design) [non-luminous signs, non-mechanical metal signs, metal numbers and letters with means for temporarily affixing to the signs]		Neville	No

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2-19	EX	75742677	William O'Neill Foundation	Simms Rogers Drost*	whether applicant's identification of goods is acceptable; whether applicant has complied with the requirement to pay fees for additional classes of goods identified in its application	Refusal Affirmed on both grounds		<p>"EQOP"</p> <p>[sunglasses, computer and multimedia software, namely, fixed media featuring theatrical performances, <i>etc.</i>], in Class 9;</p> <p>stationery products, namely letterhead, envelopes, business cards, posters, stickers, bulletins and brochures featuring entertainment services namely, <i>etc.</i> in Class 16;</p> <p>sports equipment and accessories, namely, baseballs, golf balls, golf tees, golf club covers, footballs, flying saucer toys, basketballs, jerseys, T-shirts, and sweatshirts in Class 28;</p> <p>advertising services, namely, the preparation and dissemination of advertising matter via newspapers, magazines, and Internet web sites in Class 35; and entertainment services, namely, theatrical and musical performances, television programs, motion picture films, audio and video recordings, <i>etc.</i>], Internet web sites, commercials and museums in Class 41]</p>		Collins	No

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2-19	EX	75940225	Careworks of Ohio, Ltd.	Quinn Hairston* Bucher	Section 6 disclaimer requirement (of the word TECH-NOLOGIES)	Refusal Affirmed		"CAREWORKS TECHNOLOGIES" [computer services in the insurance and financial fields, namely, computer consultation, computer programming for others, computer systems analysis, and computer network support, namely, designing, analyzing, monitoring, programming and testing of network systems]		Collins	No
2-19	EX	76214007	Amvescap PLC	Hairston* Holtzman Rogers	2(d)	Refusal Reversed		"INVESCO FIELD AT MILE HIGH" [providing facilities for sporting events, namely, football games and soccer matches; providing facilities for entertainment events, namely, music concerts]	"MILE HIGH STADIUM" [providing stadium facilities for sports and recreational activities]	Gilbert	No
2-19	OPP (R)	91111517	Applebee's International, Inc. v. Societe Des Produits Nestle S.A.	Simms Cissel Hairston*	2(d)	Request for Reconsideration Denied (Opposition Sustained)	"SKILLET SENSATIONS" (in stylized form) [prepared entrees served in restaurants, consisting primarily of meats, poultry or fish with vegetables]	"SKILLET SENSATIONS" [frozen prepared dinner mix consisting of meat, vegetables and potatoes with rice or pasta]			No
2-19	OPP OPP OPP	91150409 91150575 91150426	Arabica Funding, Inc. v. Ryan Bros. Coffee, Inc.	Seeherman Hairston* Walters	2(d)	Opposition Dismissed in all three cases	"LIFE IS SHORT. STAY AWAKE FOR IT." [restaurant services and retail store services in the field of coffee; t-shirts]	<i>3 applications to register the mark: "LIFE IS TOO SHORT TO BE BITTER" for: [coffee]; [coffee mugs and coffee cups]; and [shirts, hats, jackets, and sweatshirts]</i>			No

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